

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

IRENE V. SMITH,

Plaintiff,

v.

VANCOUVER MALL III LLC,
WESTFIELD AMERICA LIMITED
PARTNERSHIP,

Defendants.

CASE NO. C12-5390 RJB

ORDER DENYING PLAINTIFF'S
FRCP 12 MOTION TO STRIKE
DEFENDANTS' ANSWER TO
COMPLAINT

This matter comes before the court on Plaintiff's FRCP 12 Motion to Strike Defendants' Answer to Complaint. Dkt. 5. The court has considered the relevant documents and the remainder of the file herein.

On May 2, 2012, plaintiff filed a complaint *pro se*, alleging claims for negligence, premises liability, and strict liability. Dkt. 1. On June 29, 2012, defendants filed an answer, admitting and denying certain allegations; and stating that they "lack sufficient information on which to admit or deny" other allegations. Dkt. 4. In their answer, defendants assert two affirmative defenses: failure to state a claim and lack of personal jurisdiction. Dkt. 4, at 3.

1 On July 19, 2012, plaintiff filed a six page motion to strike defendants' answer to the
2 complaint, contending that the answer is insufficient. Plaintiff also claims that the affirmative
3 defenses "(1) do not satisfy the "[sic] fact pleading requirement, (2) are invalid and untenable as
4 a matter of law, and/or (3) are irrelevant and immaterial, serving only to needlessly confuse and
5 compound the issues in this matter; Defendants' answers have no bearing on the issues in this
6 matter and should be ordered stricken." Dkt. 5, at 2. The motion includes voluminous case
7 citations. The motion is noted for August 3, 2012.

8 A response to this motion is unnecessary and would serve only to increase the cost of this
9 litigation.

10 Local Rule GR3 of the Rules of the U.S. District Court for the Western District of
11 Washington provides in relevant part as follows:

12 (d) An attorney or party who without just cause fails to comply with any of the Federal
13 Rules of Civil or Criminal Procedure, or these rules, or orders to the court, or who
14 presents to the court unnecessary motions or unwarranted opposition to motions, or who
15 fails to prepare for presentation to the court, or who otherwise so multiplies or obstructs
16 the proceedings in a case as to increase the cost thereof unreasonably and vexatiously,
17 may, in addition to, or in lieu of the sanctions and penalties provided elsewhere in these
18 rules, be required by the court to satisfy personally such excess costs, and may be subject
19 to such other sanctions as the court may deem appropriate.

20 The answer filed by defendants is adequate. This motion is unnecessary and frivolous.
21 Plaintiff is advised that, if she files motions, requests, responses, or other unnecessary or
22 frivolous documents in the future that so multiply or obstruct the proceedings in this case as to
23 increase the cost of the proceedings unreasonably and vexatiously, the court may award
24 sanctions, including monetary sanctions, against her.

25 Accordingly, Plaintiff's FRCP 12 Motion to Strike Defendants' Answer to Complaint.
(Dkt. 5) is **DENIED**.

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3 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
4 to any party appearing *pro se* at said party's last known address.

5 Dated this 19th day of July, 2012.

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8 ROBERT J. BRYAN
9 United States District Judge
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